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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHEET METAL WORKERS NATIONAL
HEALTH FUND, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMGEN INC. and AMGEN USA INC.,

Defendants.

)
)
)
) Civil Action No. 07-5295 (SRC) (MAS)

) Judge Stanley R. Chesler
) Magistrate Judge Michael A. Shipp

STIPULATION OF VOLUNTARY DISMISSAL

Whereas Plaintiff Sheet Metal Workers National Health Fund (“Plaintiff”) unilaterally seeks a complete and full dismissal of the above-captioned action (the “Action”) against Defendants Amgen Inc. and Amgen USA Inc. (collectively, the “Defendants”) without prejudice, and whereas Defendants do not object to such a dismissal provided it is subject to the conditions set forth below, it is hereby stipulated and agreed as follows:

1. Plaintiff voluntarily withdraws its Complaint and, accordingly, the Action is hereby dismissed, with all parties to bear their own attorneys' fees and costs.
2. Notwithstanding the foregoing, in the event Plaintiff files another action asserting the same or similar claims against Defendants arising from the same course of conduct alleged in this Action, Defendants expressly reserve their right to seek attorneys' fees and costs arising from this Action, pursuant to Rule 41(d).
3. Any subsequent Complaint filed by Plaintiff asserting the same or similar claims against Defendants arising from the same course of conduct alleged in this Action must be filed, if at all, in the United States District Court for the District of New Jersey.

4. Plaintiff hereby represents and warrants that it has not previously filed or dismissed a Complaint making the same or similar claims arising from the same course of conduct alleged in this Action against the Defendants.

Dated: September 22, 2008

SHEET METAL WORKERS NATIONAL
HEALTH FUND

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SO ORDERED: 

STANLEY R. CHESLER, U.S.D.J.